



Billing Code: 4510-43-P

**DEPARTMENT OF LABOR**

**Mine Safety and Health Administration**

**Proposed Collection; Comment Request; Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines)**

**AGENCY:** Mine Safety and Health Administration, Labor.

**ACTION:** 60-Day Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to assure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** All comments must be postmarked or received by midnight Eastern Standard Time on [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Comments concerning the information collection requirements of this notice must be clearly identified with "OMB 1219-0041" and sent to the Mine Safety and Health Administration (MSHA). Comments may be sent by any of the methods listed below.

- *Federal E-Rulemaking Portal:*

<http://www.regulations.gov>. Follow the on-line instructions for submitting comments for docket number [MSHA-2013-0011].

- *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, 21<sup>st</sup> floor, Room 2350, Arlington, VA 22209-3939.

**FOR FURTHER INFORMATION CONTACT:** Sheila McConnell, Deputy Director, Office of Standards, Regulations, and Variances, MSHA, at McConnell.Sheila.A@dol.gov (e-mail); 202-693-9440 (voice); or 202-693-9441 (facsimile).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

Section 317(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act), 30 U.S.C. § 877(c), and 30 CFR 75.1702 prohibits persons from smoking or carrying smoking materials underground or in places where there is a fire or

explosion hazard. Under the Mine Act, 30 U.S.C. § 877(c) and § 75.1702, coal mine operators are required to develop programs to prevent persons from carrying smoking materials, matches, or lighters underground and to prevent smoking in hazardous areas, such as in or around oil houses, explosives magazines or other areas where such practice may cause a fire or explosion.

Section 75.1702-1 requires that the mine operator submit the program required under § 75.1702 to MSHA for approval. Section 103(h) of the Mine Act, 30 U.S.C. § 813, authorizes MSHA to collect information necessary to carry out its duty in protecting the safety and health of miners. These information collection requirements help to ensure that a fire or explosion hazard does not occur.

## **II. Desired Focus of Comments**

The Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to the Program to Prevent Smoking in Hazardous Areas (Pertains to Underground Coal Mines). MSHA is particularly interested in comments that:

- Evaluate whether the collection of information is necessary for the proper performance of the functions

of the agency, including whether the information has practical utility;

- Evaluate the accuracy of the MSHA's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used;
- Suggest methods to enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB clearance requests are available on MSHA's website at <http://www.msha.gov> under "Federal Register Documents" on the right side of the screen by selecting "New and Existing Information Collections and Supporting Statements". The document will be available on MSHA's website for 60 days after the publication date of this notice, and on regulations.gov. Comments submitted in writing or in electronic form will be made available for public inspection on regulations.gov. Because comments will not be edited to remove any identifying information, MSHA cautions the commenter against including any

information in the submission that should not be publicly disclosed.

The public also may examine publicly available documents, including the public comment version of the supporting statement, at MSHA, Office of Standards, Regulations, and Variances, 1100 Wilson Boulevard, Room 2350, Arlington, VA 22209-3939.

Questions about the information collection requirements may be directed to the person listed in the FOR FURTHER INFORMATION section of this notice.

### **III. Current Actions**

The information obtained from applicants will be used to determine compliance with 30 CFR Part 75.

MSHA has updated the number of respondents and responses, as well as the total burden hours and burden costs supporting this information collection request.

MSHA does not intend to publish the results from this information collection and is not seeking approval to either display or not display the expiration date for the OMB approval of this information collection.

There are no certification exceptions identified with this information collection and the collection of this information does not employ statistical methods.

*Type of Review:* Extension of a currently approved  
information collection

*Agency:* Mine Safety and Health Administration

*Title:* Program to Prevent Smoking in Hazardous Areas  
(Pertains to Underground Coal Mines)

*OMB Number:* 1219-0041

*Affected Public:* Business or other for-profit

*Cite/Reference/Form/etc:* 30 CFR 75.1702 and 75.1702-1

*Total Number of Respondents:* 97

*Frequency:* Various

*Total Number of Responses:* 97

*Total Burden Hours:* 49 hours

*Total Annual Respondent or Recordkeeper Cost:* \$0

Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

*Authority:* 44 U.S.C. 3506 (c) (2) (A) .

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George F. Triebisch  
*Certifying Officer*

Dated: June 6, 2013

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